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15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **OAKLAND DIVISION**

18 IN RE COLLEGE ATHLETE NIL
19 LITIGATION

Case No. 4:20-cv-03919-CW

**STIPULATION AND ~~PROPOSED~~ ORDER
EXTENDING CASE DEADLINES**

Hon. Claudia Wilken

1 Pursuant to Northern District of California Local Rules 6-2 and 7-12, Plaintiffs in the above-
2 captioned action and Defendants National Collegiate Athletic Association, Atlantic Coast Conference,
3 The Big Ten Conference, Inc., The Big 12 Conference, Inc., Pac-12 Conference, and Southeastern
4 Conference (collectively, “Defendants,” and together with Plaintiffs, the “Parties”), by and through
5 their respective undersigned counsel, submit the following Stipulation seeking an order extending
6 certain case deadlines:

7 WHEREAS, on December 2, 2020, Plaintiffs served their First Set of Requests for Production
8 of Documents on Defendants, and on April 16, 2021, Defendants served their First Set of Requests for
9 Production of Documents on Plaintiffs;

10 WHEREAS, on May 24, 2021, the Parties filed a Stipulation for Order Extending Case
11 Deadlines which was granted by the Court on May 25, 2021 (ECF Nos. 150, 151);

12 WHEREAS, Plaintiffs contend certain recent and upcoming events are relevant to Plaintiffs’
13 claims and Defendants’ defenses, and as a result, Plaintiffs have asked Defendants to supplement their
14 document productions in response to Plaintiffs’ First Set of Requests for Production of Documents,
15 and Plaintiffs have served a Second Set of Requests for Production of Documents;

16 WHEREAS, the Parties are meeting and conferring in good faith regarding (1) the scope of
17 search terms, custodians and collection time periods for supplemental productions of documents in
18 response to the Plaintiffs’ First Set of Requests for Production of Documents and (2) the scope of
19 document categories, search terms, custodians and collection time periods for productions of
20 documents in response to Plaintiffs’ Second Set of Requests for Production of Documents; and

21 WHEREAS, Plaintiffs have requested modification of the Scheduling Order to accommodate
22 this additional discovery requested and Defendants are willing to agree, subject to the terms of this
23 stipulation.

24 THEREFORE, the Parties agree and stipulate that:
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1 1) Subject to agreement on custodians, search terms and collection time periods,
2 Defendants will substantially complete supplemental productions of documents in response to
3 Plaintiffs' First Set of Requests for Production of Documents and, subject to agreement on document
4 categories, search terms, custodians and collection time periods, Defendants will substantially
5 complete productions of documents in response to Plaintiffs' Second Set of Requests for Production
6 of Documents by April 1, 2022.

7 2) The Parties will meet and confer regarding an additional supplemental production in
8 response to Plaintiffs' First and Second Sets of Requests for Production to the extent it is appropriate
9 and necessary after April 1, 2022 and seek to reach agreement on collection time periods, custodians,
10 and search terms.

11 3) Plaintiffs will make supplemental productions of documents in response to Defendants'
12 First Set of Requests for Production at the same intervals as Defendants.

13 4) Subject to the agreements contemplated by paragraphs 1 and 2 above, Plaintiffs agree
14 not to seek further supplementation of the First or Second Sets of Requests for Production with search
15 terms and custodians beyond the supplementation contemplated by paragraphs 1 and 2 above.
16 Plaintiffs reserve their rights to seek additional documents based on deficiencies in Defendants'
17 productions. Defendants agree to meet and confer in good faith about any asserted deficiencies and
18 to supplement discrete categories of agreed-upon documents including financial statements and
19 agreements, which may already be the subject of agreements reached during the meet and confer
20 process.

21 5) The Parties understand the Court has referred discovery disputes to Magistrate Judge
22 Cousins. ECF No. 125 at 47:6–11

23 6) The Parties request that the Court issue an order modifying the case deadlines as
24 follows:

EVENT	CURRENT DATE	PROPOSED DATE
Substantial Completion of Parties' First Supplemental Productions of Documents and Defendants' Productions of Documents	n/a	April 1, 2022

1	Responsive to Second Set of Requests ¹		
2	Class Certification Motion and Supporting	February 22, 2022	June 22, 2022
3	Expert Reports		
4	Deadline to Depose Plaintiffs' Class Experts	April 29, 2022	September 12, 2022
5	Class Certification Opposition and Supporting	May 31, 2022	October 12, 2022
6	Expert Reports		
7	Deadline to Depose Defendants' Class	June 28, 2022	November 25, 2022
8	Experts		
9	Class Certification Reply and Expert Rebuttal	August 2, 2022	December 14, 2022
10	Report		
11	Deadline for Supplemental Depositions of	No supplemental	No supplemental
12	Plaintiffs' Class Experts	depositions shall be	depositions shall be
13		permitted without	permitted without
14		agreement of the parties	agreement of the parties
15		or leave of the Court	or leave of the Court
16	Hearing on Class Certification	August 31, 2022 at	January 25, 2023 at
17		2:30pm	2:30pm or at the
18			Court's convenience
19	Merits Discovery Cut-Off	November 11, 2022	March 27, 2023
20	Merits Expert Disclosure (Including Reports)		
21	on Issues at to Which Party Bears the Burden	December 15, 2022	May 1, 2023
22	at Trial		
23	Merits Expert Response	February 10, 2023	June 27, 2023
24	Merits Expert Reply	March 8, 2023	July 24, 2023
25	Expert Discovery Cut-Off	April 12, 2023	August 28, 2023
26	Plaintiffs' Dispositive Motion and <i>Daubert</i>		
27	Motions	May 16, 2023	October 2, 2023
28	Defendants' (1) Opposition to Plaintiffs'		
	Dispositive Motion and <i>Daubert</i> Motions and	June 29, 2023	November 15, 2023
	(2) Dispositive Motion and <i>Daubert</i> Motions		

¹ The Parties will make rolling productions as soon as documents are ready to be produced.

1	Plaintiffs' (1) Reply in Support of their		
2	Dispositive Motion and <i>Daubert</i> Motions and	August 11, 2023	December 28, 2023
3	(2) Opposition to Defendants' Dispositive		
4	Motion and <i>Daubert</i> Motions		
5	Defendants' Reply in Support of their	September 8, 2023	January 25, 2024
6	Dispositive Motion and <i>Daubert</i> Motions		
7	Hearing on All Dispositive and <i>Daubert</i>	October 25, 2023 at	March 27, 2024 at
8	Motions and Further Case Management	2:30pm	2:30pm or at the
9	Conference		Court's convenience
10	Trial Date	January 9, 2024	May 20, 2024

1 Dated: November 5, 2021

Respectfully submitted,

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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.



Date: 11/5/2021

THE HONORABLE CLAUDIA WILKEN
United States District Court Judge